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## Barnes' new job will improve justice for poor

BY MAURICIO VIVERO  
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On Monday, departing Gov. Roy Barnes will spend his first day as a private citizen by starting his new job as a full-time, pro-bono (unpaid) lawyer at the Atlanta Legal Aid Society.

The decision by Barnes, the most improbable casualty of Election Day 2002, to go to work for legal aid was almost as unexpected as his November defeat.

As a legal services attorney, Barnes will help women escape domestic violence, seniors fight predatory lending scams and parents obtain child support for their kids. In doing so, he will take his place on the front line of the U.S. legal community's uphill and underpublicized struggle to achieve equal access to justice for millions of Americans too poor to afford legal representation.

The inaccessibility of the U.S. civil justice system is hardly a new development, but it took Barnes' decision to put the national media spotlight on our country's ongoing access-to-justice crisis.

The 2000 U.S. census reports that more than 43 million Americans qualify for free federally funded legal assistance, yet fewer than 20 percent of eligible clients (annual income: \$11,075 or less) are able to obtain legal help when they need it, according to the American Bar Association. In Georgia, there is just one legal aid lawyer for every 10,500 eligible poor people.

Barnes understood this problem long before he became governor. While in private practice, he handled many pro-bono cases and was a frequent volunteer in the Cobb County office of the federally funded Atlanta Legal Aid Society. Most memorably, he secured a \$115 million judgment in 1993 against Fleet Finance for victimizing 18,000 homeowners -- many of them senior citizens -- with its widespread predatory lending mortgage practices.

His long-standing commitment to the underserved is certainly admirable, but it should not be viewed as a rare and laudable act of civic virtue. To be admitted to practice law, every attorney must take a professional oath to promote justice -- and every state's ethical rules include language indicating lawyers' responsibility to be guardians of fair play for those living in poverty.

In Georgia, many law firms, corporations and private attorneys are working pro bono to serve the neediest clients. Yet only 23 percent of the state's 23,598 active lawyers reported meeting the Georgia State Bar's goal of 50 hours of pro-bono service in 2002.

The need for volunteers is most severe outside the five-county Atlanta metropolitan area, where 70 percent of the state's poor people are served by only 24 percent of the state's lawyers.

National pro-bono participation is even worse. Only 23 percent of the roughly 1 million attorneys in America volunteer even one hour of pro-bono service annually, according to the ABA. Shamefully, over the last decade, the average revenue of the country's most successful law firms has increased by more than 50 percent while pro-bono hours have dropped by one-third.



**Mauricio Vivero** is vice president of Legal Services Corporation, the Washington-based nonprofit corporation chartered by Congress in 1974 to promote equal access to civil justice.

Barnes knows these statistics help explain the unflattering public image of the legal profession. Speaking to University of Georgia School of Law graduates at their 2000 commencement, he said, "The cold, hard reality is that far too many people face the possibility of an unjust outcome because they must navigate an often complicated legal system without the benefit of competent counsel. Why? Because competent lawyers in the corporate practice don't want to get involved. They don't have the time. They have too many hours to bill."

Sometimes, it seems, we forget that "justice for all" is part of our national creed. I, for one, will not forget President Bush's poignant reminder in the aftermath of Sept. 11: "We're in a fight for our principles," he told us, "and our first responsibility is to live by them."

Our democracy will suffer greatly if so many of our nation's poor continue to be priced out of the justice system. Lawyers in Georgia and across the country must follow Barnes' lead -- or millions of people will continue to arrive at the courthouse door to find they cannot afford the price of admission.

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